

United States Department of the Interior Bureau of Land Management

Decision Record Environmental Assessment DOI-BLM-CO-S070-2014-0018-EA

November, 2014

Poe Property Acquisition

Location: NMPM, Montezuma County, CO, T. 36 N., R. 17 W.,
Portions of Sections 2, 10, 11, 14, 15.

Applicant/Address: Howard and Jean Poe
292 Cottonwood Creek Road, Durango, CO, 81301
David and Vicki Poe
P.O. Box 942, Nederland, CO, 80466

Tres Rios Field Office
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DECISION RECORD
Environmental Assessment
DOI-BLM-CO-S070-2014-0018-EA
Poe Property Acquisition

DECISION

I have reviewed the proposed land acquisition record and the Environmental Assessment (DOI-BLM-CO-S070-2014-0018-EA) (EA) and prepared a Finding of No Significant Impact (FONSI, August 2014). After reviewing these documents, it is my decision to implement the Proposed Action (Selected Action) as described in the EA, which is to allow for the acquisition of 920 acres of privately owned lands in Montezuma County. Once acquired, these parcels will be managed in conformance with Bureau of Land Management's (BLM) Resource Management Plans in accordance with Canyons of the Ancients National Monument (CANM).

Authorities: The authority for this decision is contained in Title II, Section 205 [43 U.S.C. 1715] of the Federal Land Policy and Management Act of 1976 (FLPMA) which outlines the policies and procedures on how to process an acquisition.

Compliance and Monitoring: The BLM will periodically review the acquired parcels to assure continued compliance with the respective Land Use Plans for Canyons of the Ancients National Monument (CANM).

The BLM would evaluate the cultural resources that would be acquired during the proposed action and record the properties to current standards, determine their cultural resource use allocation, and as necessary develop cultural resource management plans for some of the individual properties. These plans could include possible mitigations such as monitoring and protection of acquired cultural resources.

PLAN CONFORMANCE AND CONSISTENCY:

The Proposed Action is subject to and has been reviewed for conformance with the following plans (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Canyons of the Ancients National Monument Resource Management Plan

Date Approved: June, 2010

Decision Number/Page: page 1-24

Decision Language: Adjust public land patterns to consolidate public land for improved management efficiency and acquire suitable private land with special resource values.

Alternatives Considered: The EA considered the Proposed Action and No Action Alternative. The No Action alternative would not meet the purpose and need for action. No other alternatives were needed to address any unresolved resource conflicts.

Rationale for Decision: Implementation of the Proposed Action will meet the purpose and need for action as described in the EA. The action conforms to the existing land use plans as described above. The project was initiated on the BLM NEPA Log in April 2014, notifying the public of the scoping period. In addition, interested public letters were sent to adjacent landowners and Montezuma County Commissioners in August 2014 and a public comment period in October 2014 on the preliminary EA. Six comment letters were received and substantive comments were addressed in Appendix B of the EA.

Protest/Appeal Language: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the Form 1842-1. If an appeal is taken, your notice of appeal must be filed with the authorized officer, Connie Clementson, Field Manager, Tres Rios Field Office, 29211 HWY 184, Dolores, CO 81323 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Connie Clementson

Field Manager

Tres Rios Field Office

November 7, 2014

Date

United States Department of the Interior Bureau of Land Management

Finding of No Significant Impact Environmental Assessment DOI-BLM-CO-S070-2014-0018-EA

November, 2014

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FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-CO-S070-2014-0018-EA
Poe Property Acquisition

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental assessment (DOI-BLM-CO-S070-2014-0018-EA) for a proposal to address the acquisition of 920 acres of private lands in the Trail Canyon area in Montezuma County. The project would allow for the acquisition of 920 acres of privately held lands. Once acquired, those lands would then become part of Canyons of the Ancients National Monument (CANM) and Tres Rios Field Office (TRFO) to be managed according to each respective Resource Management Plan (RMP). The underlying need for the proposal would be met while accomplishing the following objectives:

"The Presidential Proclamation designating the Canyons of the Ancients National Monument (CANM) provides for acquisition of non-Federal land within and/or adjacent to CANM's boundaries through exchange, donation or purchase from a willing seller."

The Purpose of acquiring land is in conformance with Canyons of the Ancients National Monument's Resource Management Plan (CANM RMP, June 2010), which states:

"Acquire or exchange land only when cultural resources management will be enhanced"

The 920 acre Poe Parcel Acquisition project area, containing numerous sites of cultural and historical interest analyzed in DOI-BLM-CO-S070-2014-0018-EA is attached, and is referenced for this Finding of No Significant Impact (FONSI). A no action alternative and a proposed action alternative were analyzed in the EA.

FINDING OF NO SIGNIFICANT IMPACT:

Based upon my review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the project area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in Canyons of the Ancients National Monument Resource Management Plan (June 2010) Therefore, an environmental impact statement is not needed.

This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving approximately 920 acres of land in Montezuma that by itself does not have international, national, regional, or state-wide significance.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse.

The proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to cultural and historical resources were incorporated in the analysis of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in either the in Canyons of the Ancients National Monument Resource Management Plan (June 2010).

2. The degree to which the selected alternative will affect public health or safety.

The proposed action is designed to incorporate the acquired lands into Canyons of the Ancients National Monument, in order to preserve and protect the cultural and historical resources. There would be no affect to public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

The historic and cultural resources of the area have been inventoried. The following components of the Human Environment and Resource Issues are not affected because they are not present in the project area: park lands, prime farm lands, wetlands, wilderness, wild and Scenic Rivers, or ecologically critical areas.

Five Resource Issues were analyzed in detail in Chapter 4. None of these would be significantly impacted because the land acquisition would not involve any ground-disturbing activities as part of the Proposed Action.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

There is no scientific controversy over the nature of the impacts.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The project is not unique or unusual. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

There are no anticipated actions with individually insignificant but cumulatively significant effects. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.

- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory has been completed for the proposed action. The effects to cultural resources are not expected to be significant.

- 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.**

There are no known threatened and/or endangered species within the project area. The effects to threatened and/or endangered species are not expected to be significant.

- 10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.**

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.



Connie Clementson

Field Manager

Tres Rios Field Office

november 7, 2014

Date